

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ella Mintz	Team: Squad #1	CCRB Case #: 201802684	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 03/27/2018 3:54 PM	Location of Incident: Southbound 113th Street and Lenox Ave	Precinct: 28	18 Mo. SOL 9/27/2019	EO SOL 9/27/2019	
Date/Time CV Reported Thu, 04/05/2018 11:22 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 04/05/2018 11:22 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Randolph Penamedina	31145	953231	028 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Randolph Penamedina	Discourtesy: Police Officer Randolph Pena-Medina acted discourteously toward § 87(2)(b)	
B.POM Randolph Penamedina	Discourtesy: Police Officer Randolph Pena-Medina spoke discourteously to § 87(2)(b)	

Case Summary

§ 87(2)(b) filed this complaint on April 5, 2018 on the CCRB's website.

On March 27, 2018 at approximately 3:54PM, § 87(2)(b) was pulled over by Police Officer Randolph Pena-Medina, of the 28th Precinct, at the intersection of 113th Street and Lenox Avenue. PO Pena-Medina issued § 87(2)(b) two summonses for running red lights. While issuing § 87(2)(b) the summonses, PO Pena-Medina § 87(2)(g) threw § 87(2)(b)'s license on the ground (**Allegation A: Discourtesy:** § 87(2)(g)). When § 87(2)(b) exited his vehicle to pick up his license, he said, "Yo, fuck you man" to PO Pena-Medina, to which he § 87(2)(g) responded, "Fuck yourself" (**Allegation B: Discourtesy:** § 87(2)(g)). There is no video footage available of this incident.

Findings and Recommendations

Allegation A-Discourtesy: Police Officer Randolph Pena-Medina acted discourteously toward § 87(2)(b)

Allegation B-Discourtesy: Police Officer Randolph Pena-Medina spoke discourteously toward § 87(2)(b)

§ 87(2)(b) testified that he did not run through any red lights but acknowledged speeding through a yellow light (Board Review 01). § 87(2)(b) stated that when PO Pena-Medina initially approached him, he told him that he was supposed to slow down during a yellow light. PO Pena-Medina took § 87(2)(b)'s license and registration to his vehicle and returned after approximately five to six minutes. PO Pena-Medina returned § 87(2)(b)'s license and issued him a summons for running a red light on 116th Street. § 87(2)(b) was upset upon receiving the summons as PO Pena-Medina previously acknowledged that he drove through a yellow light. PO Pena-Medina then grabbed the license from § 87(2)(b)'s hand, which was dangling out of the window, and returned to his vehicle. After approximately five to six minutes, PO Pena-Medina handed § 87(2)(b) a summons for running a red light on 115th Street. § 87(2)(b) told PO Pena-Medina that he felt that he was issued this summons for complaining about the first summons. PO Pena-Medina then threw § 87(2)(b)'s license on the ground. § 87(2)(b) exited his vehicle, picked up the ID and said, "Yo, fuck you, man" to PO Pena-Medina. PO Pena-Medina told § 87(2)(b) "Fuck yourself." § 87(2)(b) did not allege the profanity in his online complaint or in his phone statement (Board Reviews 02, 03).

PO Pena-Medina testified that when he observed § 87(2)(b) run the red light at 116th Street, he immediately made the decision to stop the vehicle (Board Review 04). Prior to putting on his lights and sirens, § 87(2)(b) drove past another red light at 115th Street. § 87(2)(b) never ran through a yellow light. PO Pena-Medina put on his lights and sirens and § 87(2)(b) pulled over. The pickup truck that § 87(2)(b) was driving was approximately two feet taller than PO Pena-Medina and his eyeline met the bottom of § 87(2)(b)'s driver's side window. PO Pena-Medina asked § 87(2)(b) why he ran through red lights. § 87(2)(b) explained that his daughter was in the hospital. PO Pena-Medina asked for information pertaining to his daughter's hospital stay but § 87(2)(b) refused to answer his questions. PO Pena-Medina then concluded that this was not an emergency and requested § 87(2)(b)'s license and registration, which he provided. PO Pena-Medina then returned to his vehicle with the intention of writing two summonses. PO Pena-Medina wrote one summons for § 87(2)(b) running a red light at 116th Street. The computer then restarted by mistake so PO

Pena-Medina wrote the other summons a few minutes after the first one. PO Pena-Medina believed that he waited in the car for the computer error to resolve and issued both summonses at the same time but stated that it was possible that he issued § 87(2)(b) the first summons, told him that there was a computer error and that it would take a while, and then went back to write the second summons. PO Pena-Medina documented the computer restart in his memo book.

When PO Pena-Medina issued § 87(2)(b) the summonses and returned his license and registration, § 87(2)(b) seemed upset and may have questioned why he was getting two summonses. PO Pena-Medina moved his hand up to the window with § 87(2)(b)'s license, summonses, and drivers license in his hand. § 87(2)(b) grabbed the summons and the registration but he did not get a good grip of his license, which caused it to fall to the floor. PO Pena-Medina bent down to grab the license but § 87(2)(b) opened the door, bumping PO Pena-Medina in the process. § 87(2)(b) said, "No, I'mma get it." PO Pena-Medina stepped backward. § 87(2)(b) became irate and called PO Pena-Medina a "fucking faggot" and also stated that he hoped PO Pena-Medina and his family died. PO Pena-Medina responded to this by waving § 87(2)(b) off with his hand and telling him to get back in his car. § 87(2)(b) got back in his vehicle and drove away. PO Pena-Medina never purposefully threw or dropped § 87(2)(b)'s license on the ground. PO Pena-Medina never told § 87(2)(b) to "go fuck yourself" and never used any profanity in speaking with him.

It is undisputed that § 87(2)(b)'s license ended up on the ground and that § 87(2)(b) used profanity toward PO Pena-Medina. However, PO Pena-Medina denied throwing § 87(2)(b)'s license or cursing at § 87(2)(b) § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party.
 - PO Randolph Pena-Medina has been a member of service for five years and has been a subject in three CCRB complaints and four allegations, none of which were substantiated.
- § 87(2)(g)
- § 87(2)(b)

Mediation, Criminal, and Civil Histories

- § 87(2)(b) declined to mediate this complaint.
 - As of May 15, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this incident (Board Review 08). On June 19, 2018, a second request was submitted to the Office of the Comptroller for a notice of claim. The results of this request will be added to the case file upon receipt (Board Review 09).
 - [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date